

REMARKS

1. Claims 5 and 14 have been canceled, claims 1, 6-11 and 15-18 have been amended and new claims 19 and 20 have been added in the present response. Claims 1-4, 6-13 and 15-20 remain in the case.

Generally, the present invention is directed to a billing feature that allows calling or called parties to authorize alternative billing treatment for a call. Accordingly, embodiments of the present invention provide for maintaining both a calling party and called party billing list to determine whether alternative billing is authorized and to determine who will be charged. The alternative billing may comprise, for example, billing both legs of a wireless call to a single party (e.g., the calling or called party) or charging a wireline call to the called party without invoking operator services.

Independent claims 1 and 11 have been amended to incorporate limitations of original claims 5 and 14, so as to recite steps of consulting both a calling party and called party billing list, as may be necessary to determine whether the respective parties have authorized alternative billing treatment. Claims 5 and 14 are now canceled. Amended claims 1 and 11 now include steps of first consulting a calling party billing list to determine whether the calling party has authorized alternative billing treatment; and if the calling party has not authorized alternative billing treatment, consulting the called party billing list.

New claims 19 and 20 include the reverse sequence of steps recited in respective amended claims 1 and 11, that is first consulting a called party billing list to determine whether the called party has authorized alternative billing treatment; and if the called party has not authorized alternative billing treatment, consulting the calling party billing list.

Dependent claims 6-10 and 15-18 (which formerly depended from claims 5 and 14) have been amended so that they now depend from amended claims 1 and 11, respectively.

2. Claims 1-2, 4-6, 8-11, 13-14 and 16-18 were rejected under 35 U.S.C. 102(b) as being anticipated by Rosinski et al. (5,381,467). Claims 1, 6, 8-11 and 16-18 have been amended, claims 5 and 14 have been canceled and new claims 19 and 20 added in the present response. To the extent the rejection based on Rosinski is maintained against the present claims 1-2, 4, 6, 8-11, 13 and 16-20, this rejection is respectfully traversed.

As noted above, the remaining claims are directed to a billing feature whereby both calling party and called party billing lists are maintained and consulted as necessary to determine whether the respective parties have authorized billing treatment. In such manner, either the calling or called party may cause alternative billing treatment to be generated. The calling and called party billing lists may be consulted in either order. If the calling party billing list is first consulted (claims 1 and 11) and the calling party does not authorize alternative billing treatment, then the called party billing list may be consulted; or if the called party billing list is first consulted (claims 19 and 20) and the called party does not authorize alternative billing treatment, then the calling party billing list may be consulted. In either case, however, if the first-consulted list yields a determination that alternative billing is authorized, a billing record may be generated accordingly without consulting the second billing list.

The Rosinski reference describes a billing system that allows for sharing costs for telephone toll calls (i.e., wireline calls) between called and calling parties. When a call is directed to a called party (termed "terminating party"), a database is consulted to determine if call cost sharing applies to the call. The database (FIG. 3) includes various called party numbers mapped to calling party ("originating party") numbers and, for each mapping, a predetermined portion (%) of toll charges to be charged to the called party is designated. In such manner, therefore, a called party can identify calling party numbers from which it desires to share costs as well as a particular percentage of costs that it authorizes; and this information is captured in the database. Billing is affected for a particular call directed to a terminating party if the database includes an entry mapping the terminating party to the originating party.

The office action suggests that the database described in the Rosinski patent comprises a calling party billing list (see comments relating to original claim 1) and a called party billing list (see comments relating to original claim 5). Respectfully, the database might be characterized as a called party billing list since it is indexed based on the terminating party but it is improper to characterize the database as a calling party billing list. Shared billing is triggered, if at all, based on checking for the presence of the terminating party number and then checking for an association with the originating party number. The reverse is not true, that is the database is never consulted for the presence of the originating number, followed by checking for an association with a terminating number. Thus, Rosinski does not disclose or suggest a calling party billing list, as claimed. Moreover, even if the Rosinski database could be characterized as a calling party database, which applicant respectfully disputes, there is no suggestion that the database may be consulted twice, to determine first if the calling (or called) party authorizes alternative billing treatment and then, in response to a negative determination, to determine if the called (or calling) party authorizes alternative billing treatment.

Amended claims 1 and 11 and new claims 19 and 20 distinguish over Rosinski for the reason they recite consulting a calling party billing list and for the reason that they allow for consulting both a calling party and called party billing list. Claims 2, 4, 6, 8-10, 13 and 16-18 distinguish over Rosinski for at least the reason of their dependence on amended claims 1 and 11.

3. Claims 3, 7, 12 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. (5,381,467) in view of Burns et al. (5,557,664).

The Burns patent was considered to disclose limitations missing from the Rosinski patent relating to charging both call legs of a wireless call to a single party. The Burns patent does not teach or suggest consulting calling and called party billing lists. Thus, even if Rosinski and Burns could be combined, the combination does not teach or suggest the limitations of amended base claims 1 and 11. Claims 3, 7, 12 and 15 distinguish over the combination of Rosinski and Burns for at least the reason of their dependence on amended claims 1 and 11.

4. In view of the above amendments and remarks, a notice of allowance of claims 1-4, 6-13 and 15-20 is respectfully requested. The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Lucent Technologies Deposit Account No. 12-2325.

Respectfully submitted,

By: Steven R. Santema
Steven R. Santema
Attorney for Applicants
Registration No. 40,156
Phone: (630) 979-7006

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Send all correspondence to:
Docket Coordinator
Lucent Technologies
600 Mountain Avenue (3C-512)
P. O. Box 636
Murray Hill, NJ 07974-0636